THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.25104 OF 2005

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Dt: 25.11. 2005

Between:

Smt P.Indira Devi

.. Petitioner

AND

The Commissioner of Technical education,

Andhra Pradesh, Hyderabad

and another

.. Respondents

ORDER:

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The petitioner was employed as Associate Lecturer in English in the 2nd respondent institution. On 14.02.2002, she submitted her resignation. It was accepted on 15.02.2002, and she was relieved on the same day. Petitioner states that she submitted her resignation out of emotion and on realizing that it would not be in her interest, she submitted a representation, dated 16.02.2005, withdrawing the resignation, and despite the same, the

2nd respondent has not taken her back into service. She claims to have made a representation, dated 13.09.2005, to the

1st respondent, in this regard, and alleges that no action has been taken thereon.

Heard the learned counsel for the petitioner and the learned

Government Pleader for Higher Education.

Admittedly, the petitioner was relieved on 15.02.2002, on the basis of letter of resignation submitted by her on 14.02.2002. It is only after she was relieved that she made representation on 16.02.2002.

It is true that the Supreme Court in the recent past held that an employee shall be entitled to withdraw the resignation either before it is accepted or before he is relieved from duty. It was also indicated that if the relevant service rule provides for a specific period of notice, the acceptance would come into operation only after the expiry of the period. In the instant case, no such rule is relied upon. Once the petitioner has been relieved before she made a representation retreating her earlier stand, nothing can be done, at this stage. Therefore, this Court is not inclined to admit the writ petition. The same is accordingly dismissed. There shall be no order as to costs.

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L.NARASIMHA REDDY,J

Date:25.11.2005

Note: Furnish copy

by 26.11.2005

(B/o)

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